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MINUTES

The Town of Manteo Board of Commissioners held their Regular session September 2, 2020 at 6:30 p.m. at 407 Budleigh Street, Manteo, NC and via teleconference. The public may access the meeting by calling +1-253-215-8782, +1-301-715-8592, or +1-346-248-7799 and then entering Meeting ID of 622-572-789. Members of the public are welcome to participate in the Public Comment segment.

The following members were present:

Mayor Bobby Owens
Commissioner Darrell Collins (6:35pm)
Commissioner Christine Walker (6:37pm)
Commissioner Eddie Mann
Commissioner Richie Burke
Commissioner Betty Selby
Commissioner Jason Borland

The following members were absent:

Also present at the meeting were:

Town Manager James Ayers
Town Clerk Becky Breiholz
Town Attorney Ben Gallop
Program Manager Michele Bunce

Mayor Owens called the meeting to order at 6:00 pm. Mr. Ayers did roll call verifying that there was a quorum: Mayor Owens-present; Commissioner Selby-present; Commissioner Burke-present; Commissioner Mann present; Commissioner Borland-present; Commissioner Collins and Walker no response. A quorum was established. Mayor Owens dedicated the moment of silence to Mr. Bull Bailey. He was a family man, a firefighter, a master mechanic, and so much more as he served our community. Our thoughts and prayers are with his family and friends and followed by the Pledge of Allegiance.

SUBJECT: Adoption of Agenda as presented or amended

MOTION: Commissioner Selby seconded by Commissioner Borland to approve the agenda as presented was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Borland, and Selby. Nays: None. Absent: Collins and Walker

SUBJECT: Adoption of the items on the Consent Agenda as presented or amended.

MOTION: Commissioner Selby seconded by Commissioner Borland to approve the Regular August 5, 2020 minutes and Interlocal Agreement with the County for Management of Funds from the Coronavirus Relief Fund was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Borland, and Selby. Nays: None. Absent: Collins and Walker

PUBLIC HEARING-to receive comments on Annexation of Town-Owned Property at 0 Sir Walter Raleigh Street. This is for property owned by the Town and is across from the Pea Island

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Cookhouse. The Board will not take action on the annexation tonight but at a future meeting because the N.C. State law requires a 24-hour comment period be allowed after the public hearing.

Commissioner Collins entered the meeting via teleconference at 6:35 p.m.

MOTION: Commissioner Borland seconded by Commissioner Selby to enter into a public hearing was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Borland, and Selby. Nays: None. Absent: Walker.

Mr. Ayers stated that to speak at the public hearing press * 9 and you will be recognized by the last 4 digits of your phone number.

Commissioner Walker stated she was having difficulty signing in and was unable to enter the virtual meeting as a panelist. It was noted that she entered the meeting at 6:37 p.m.

There were no public comments for the public hearing.

MOTION: Commissioner Borland seconded by Commissioner Collins to exit the public hearing at 6:40 p.m. was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker, Borland, and Selby. Nays: None. Absent: None

PUBLIC COMMENTS *Members of the public are invited to address the Board of Commissioners on any topic. Public Comment is not intended to require the Board to answer any impromptu questions or to take any action on items brought up during the public comment period. Speakers will address all the comments to the Board as a whole and not one individual Commissioner. Discussions between speakers and members of the audience will not be allowed. Time limits are 3 minutes per person or 5 minutes per group. Please identify yourself and your location so that your statements can be recorded. If you are participating electronically, please hit *9 and you will be recognized with the last 4 digits of your phone number.*

Tim Teeple-Fernando Street. He hopes the Board has had a chance to look at what he sent them regarding downtown parking. This topic has been discussed at several meetings and this idea might ease some of the parking issues. The lack of lines or parallel lines limits the spaces on streets in the downtown area, not to mention the yellow faded curb paint. It might also help people realize they cannot park on the yellow curbs, which also causes a disruption of the traffic flow. He has discussed this with idea with many residents of the downtown area and they are in favor of this idea to come a reality. He is asking the Board to look into this idea during the off season so as not to disrupt businesses.

There were no other public comments.

NEW BUSINESS

SUBJECT: Selection of Engineering Firm for Shallowbag Bay Sewer Pump Station Replacement Authorization to Negotiate Professional Services Contract for Shallowbag Bay Sewer Pump Station Replacement. Mr. Ayers stated the solicitation was posted locally and

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statewide, including listing on the NC DOA website and its HUB (historically underutilized business) portal. Newspaper advertising, online postings, and related activities were used to supplement the outreach efforts and before it can be built it needs to be designed.

The Town of Manteo issued a Request for Qualifications (RFQ) for engineering and related services for the Shallowbag Bay Sewer Pump Station Replacement. The procurement followed North Carolina General Statute § 143-64.31 and the qualifications-based selection (QBS) process. This process requires us to select a firm based on qualifications and then to negotiate a contract for a fair fee with the best qualified firm.

One firm submitted a qualifications package by the deadline on August 26, 2020, and the submittal was responsive to the RFQ. The submittal was evaluated by the review team in accordance with the evaluation criteria listed in the RFQ, including technical approach, work experience, firm & staff qualifications, and past performance. The assessment indicated this firm was well-qualified for the proposed project, including successful completion of similar projects for other municipalities. Here is the qualified firm:

1. Green Engineering (Wilson, NC)

The proposed action is for the Board of Commissioners to authorize the following:

- The Town Manager is to negotiate a contract with Green Engineering; and
- The Town Manager is to sign the contract and any amendments.

Mayor Owens thought we needed three bids; Mr. Ayers reported that 3 bids are required for a construction contract but not for this type of project.

MOTION: Commissioner Walker seconded by Commissioner Borland to authorize the Town Manager to negotiate a contract with Green Engineering and to sign the contract and any amendments was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker, Borland and Selby. Nays: None. Absent: None

OLD BUSINESS

SUBJECT: Proposed Code of Ordinances Text Amendment 2020-06COD to Establish the Community-Police Advisory Board and the Special Events Committee. This was discussed at last month's meeting and the Board thought it would be suitable to establish these committees since they are long standing committees. In the text amendment there will be 3-7 members; be required to meet quarterly and have town staff as liaisons. Mayor Owens asked if this was just to establish the Boards and Mr. Ayers responded yes, they will come back to the Board with applications that are received for their review. Mr. Ayers stated that we will send out notification on the water bills, social media and be doing a widespread outreach program for applications on various boards.

MOTION: Commissioner Selby seconded by Commissioner Borland to approve text amendment 2020-06COD was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker, Borland, and Selby. Nays: None. Absent: None

SUBJECT: Consideration of Program Contribution for Community Garden. During the June 17, 2020 meeting of the Board of Commissioners, an advocacy presentation was given by Michelle Lewis of the Peace Garden Project. Ms. Lewis described the programs offered by the Peace Garden Project, including planting and cultivation of produce, distribution of produce to community members in need, and the Youth Leadership Institute. Since that presentation, the Peace Garden Project has distributed tons of free produce to local residents and families.

This item appears on the agenda per Board member request, and it is up for the Board to consider if a program contribution to the community garden should be authorized. In anticipation of these deliberations, it has been confirmed that the Peace Garden Project is listed with the Internal Revenue Service as a non-profit organization, headquartered in Manteo, and classified as a Public Charity.

If the Board of Commissioners should decide to make a contribution to the Peace Garden Project, then a vote would be appropriate to direct the Town Manager to make such a payment in the amount chosen by the Board out of the Board's Discretionary Fund.

Commissioner Borland asked how much, and Commissioner Selby responded \$500.00. Commissioner Collins would like this to be a recurring donation and Mr. Ayers commented that thinks this would be problematic and we should not encumber funds from future budget, but it can be included each year during their budget discussion. Commissioner Mann suggested \$1,000.

MOTION: Commissioner Mann seconded by Commissioner Borland to authorize a program contribution of \$1,000 to the Peace Garden Project out of the Board's Discretionary Funds was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker, Borland, and Selby. Nays: None. Absent: None

SUBJECT: Consideration of request by Homeowners of Marshes Light regarding the Town taking over the Marshes Light Boardwalk During the July 15, 2020 meeting of the Board of Commissioners, an advocacy presentation was given by Bob Keeney on behalf of homeowners in Marshes Light. Mr. Keeney proposed the donation of a portion of the Marshes Light Boardwalk to the Town of Manteo for use as a park. Mr. Keeney noted that the existing Conditional Use Permit requires Marshes Light homeowners to maintain/re-build the boardwalk in the 30-foot easement for public use. Concerns were expressed in the event of a storm and possible damage, following which the Town could apply for FEMA/CAMA funds that are not available to the homeowners. Other issues such as liability and related items were noted as well, and Mr. Keeney's complete comments are summarized in the minutes of the July 15th meeting available at manteonc.gov.

Town staff was directed to gather information on the boardwalk agreement and the estimated fee for an engineering assessment of the boardwalk condition and costs. The estimated cost for an engineer to do the inspection, evaluate repair needs, and provide anticipated future costs for replacement would be \$2,800.00. With regard to the existing agreement, the Easement & Maintenance Agreement for the Marshes Light Boardwalk dated May 10, 2006 was included in the agenda packet.

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This item appears on the agenda per Board member request, and it is up for the Board to consider if it would like to engage an engineer for the boardwalk assessment as the first step in determining feasibility of the proposed transaction.

If the Board of Commissioners should decide to take this step, then a vote would be appropriate to direct the Town Manager to contract with a consultant for the assessment of the boardwalk and pay the costs for such services out of the Board's Discretionary Fund.

MOTION: Commissioner Borland seconded by Commissioner Selby to authorize the Town Manager to contract with a consultant for the assessment of the Marshes Light Boardwalk and pay the costs for such services out of the Board's discretionary fund was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker, Borland and Selby. Nays: None. Absent: None

MAYOR'S/COMMISSIONERS COMMENTS

Commissioner Walker is interested in the Town painting parking space lines in the downtown area and would like this on the next agenda and Commissioner Collins agrees and would like the Town Manager to work with the business group and to see what can be done. Mayor Owens suggested that this be put on the September 16th workshop session for discussion.

Commissioner Burke noted in the meantime he would like the Town at least touch up the yellow areas.

Commissioner Borland is excited and looking forward to working with the Special Events.

Commissioner Mann would like to encourage all walks of life to apply to be on the committees established and all views come into play.

Commissioner Selby agrees with Commissioner Mann and Borland. She also thanked the Board for contributing to the Peace Garden.

Mayor Owens has 3 items he would like to bring up. Thinks it is time to start talking seriously about affordable housing and how we can make this happen. There are 2 or 3 places in Town that we can consider. We have the accessibility to water and sewer, and it is time we start thinking about doing it. The next item is the cleaning up of the causeway from Pirates Cove to Midway. Thinks we should hire a part time person to clean it up once a week. Pirates Cove pays ½ of our taxes and we can pitch in and get that cleaned up. The next item the Mayor asked if we have received any bids on the surplus property across from the church on Sir Walter Raleigh Street. Mr. Ayers commented that they are sealed bids and they are not due until September 15, 2020. The Mayor will wait then on discussing this.

There being no further business to come before the Board or other persons to be heard a motion by Commissioner Burke seconded by Commissioner Borland the meeting was recessed at 7:20 pm until September 16, 2020 at 5:00 pm was approved by the following roll call vote: Ayes: Commissioners Burke, Mann, Collins, Walker, Borland and Selby. Nays: None. Absent: None

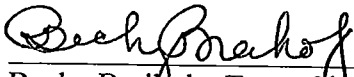
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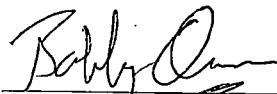
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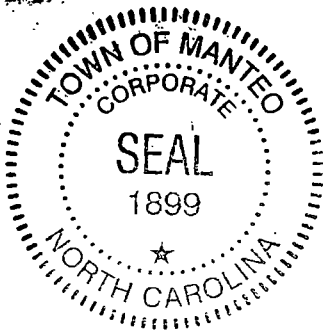
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This the 2nd day of September 2020

ATTEST:


Becky Breiholz, Town Clerk


Bobby Owens, Mayor



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Interlocal Agreement Between the County of Dare
And the Town of Manteo
For Management of Funds from the Coronavirus Relief Fund (CRF)
Established by the Coronavirus Aid, Relief, and Economic Security (CARES) Act

THIS INTERLOCAL AGREEMENT, made and entered into pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes this 18 day of Aug 2020, by and between the County of Dare, a body politic and corporate organized and existing under the laws of the state of North Carolina (hereinafter referred to as "County") and the Town of Manteo, a North Carolina Municipal Corporation organized and existing under the laws of the state of North Carolina (hereinafter referred to as "Municipality");

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) established the Coronavirus Relief Fund (CRF); and

WHEREAS, the State of North Carolina received approximately \$4.067 billion in CRF funds, including approximately \$481,000,000, which the U.S. Treasury sent directly to four local governments in the State; and

WHEREAS, S.L. 2020-80 allocates \$300 million of the State of North Carolina's CRF allocation to counties ineligible to receive direct funding from the federal CRF; and

WHEREAS, S.L. 2020-80 directs the recipient County to allocate at least 25 percent of the funds for use by municipalities within the County for necessary expenditures incurred due to the public health emergency as required by section 601(d) of the Social Security Act, as amended by the CARES Act; and

WHEREAS, S.L. 2020-80 requires the recipient County to determine the total amount allocated to each municipality within the County, and requires each municipality that receives funds to develop a plan to spend the funds by September 1, 2020, or the County can use those funds or redistribute to other municipalities; and

WHEREAS, S.L. 2020-80 makes the CRF allocations subject to recoupment by the U.S. Treasury if they are not used in an eligible manner according to the most recently published U.S. Treasury Department guidance for CRF; and

WHEREAS, S.L. 2020-80 states counties and municipalities are liable to the State for any misuse or mishandling of the funds, and subject to clawback and other appropriate measures, including the reduction or elimination of other State Funds; and

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WHEREAS, S.L. 2020-80 states any local government officer, official, or employee will be subject to a civil action by the State and held personally liable for reimbursement for violating the requirements of the CRF allocation; and

WHEREAS, S.L. 2020-80 and the North Carolina Pandemic Recovery Office have structured the administration of the CRF allocation to require the County to administer the allocation to municipalities and submit expenditure plans to the State; and

WHEREAS, the North Carolina Pandemic Recovery Office has advised that municipalities shall be directly liable to the State for violating the requirements of the CRF allocation; and

WHEREAS, the County's CRF allocation is \$1,570,418; and

WHEREAS, the Municipality's CRF allocation is \$26,141. *[This includes the amount of \$31,636, which was previously shared with the Municipality.]*

NOW, THEREFORE, it is agreed as follows:

1. Dare County shall allocate to the Municipality \$26,141 for expenditures as specified in the Municipality's plan, due Sept. 1, 2020. As stated in S.L. 2020-80, U.S. Treasury Guidance, and N.C. Pandemic Recovery Office guidance, the county is administering the local government CRF allocation. Counties and municipalities are liable to the State for any misuse or mishandling of the funds allocated to each entity, and subject to clawback and other appropriate measures, including the reduction or elimination of State Funds.
2. Municipality agrees to expend funds allocated pursuant to this Agreement in compliance with the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), S.L. 2020-80, U.S. Treasury Department Guidance, and NC Pandemic Recovery Office guidance. Any funds allocated by the County to the Municipality that are found to be expended in violation of all applicable laws and guidance shall be repaid by the Municipality to the State of North Carolina. The County assumes no liability for any violations of CRF expenditure requirements by the Municipality, its officers, agents, or employees, for funds allocated by the County to the Municipality and holds the County harmless from same.. The Municipality shall maintain documentation of their expenditures to ensure compliance with reporting and auditing requirements.
3. In accordance with guidance from the U.S. Treasury Department, CRF payments are federal financial assistance subject to Single Audit requirements found in Uniform Guidance 2 CFR §200 Subpart F. CRF is a federal program with a CFDA No. 21.019. The U.S.

Treasury Department is the federal granting agency and, except for the four local governments that received CRF directly, the Office of State Management and Budget (OSBM) is the State pass-through entity. The Uniform Guidance CFR §200 Subparts B, C, D, and E do not apply, except for §200.303 and §§ 200.330 through 200.332.

4. In order to comply with State reporting requirements required pursuant to S.L. 2020-80, the Municipality shall submit its CRF Plan to the County by 8/24/2020. Municipality acknowledges that failure to submit its CRF Plan to the County by this date shall result in the loss of funding provided for in this Agreement. If the County has already transmitted funds to the Municipality and the Municipality fails to submit its CRF Plan to the County by the date provided for in this paragraph, the Municipality shall return the funds to the County.
5. In order to comply with monthly State reporting requirements on use of the funds, Municipality shall submit the required forms to the County by the 15th of each month for the County to upload to the State portal (Attachments C-1 and C-2). Following receipt of the monthly reports and substantiation for the amount requested for reimbursement, as required by OSBM, the County shall reimburse the Municipality for the funds expended. Municipality shall complete the July 20 report, for expenditures through June 30, as soon as possible.
6. A Final Report (Attachment F) will be required when the Municipality's allocation is fully spent or by November 20th, whichever is earlier. It is the County's intent to reallocate any unspent funds by December 1st to other eligible CRF expenses to fully utilize all CRF funds for the community.
7. Modifications to this Agreement shall be in writing, signed, duly executed by the parties hereto, and kept on file along with the original Agreement.
8. Any notice permitted or required under this Agreement from one party to the other must be in writing and will be effective (a) on the date it was actually delivered to the addressee if delivered personally, or sent by a nationally recognized courier (such as FedEx or United Parcel Service) or sent by facsimile, or (b) three days after having been deposited in the United States mail, if sent by certified mail, return receipt request, in each case to the respective addresses of Municipality and the County listed below, or those other addresses of which either party gives the other party written notice:

If to the Municipality, to: P.O. Box 246
Manteo, NC 27954

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If to the County, to: P.O. Box 1000, Manteo, NC 27954

9. The parties agree that the terms and provisions of this Agreement shall be construed in accordance with the laws of the State of North Carolina. This Agreement contains the entire agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have caused this **INTERLOCAL AGREEMENT** to be duly executed pursuant to authorization obtained in a duly adopted resolution or has otherwise been duly authorized to sign on behalf of their respective corporation.

Town of Manteo

County of Dare

By [Signature]
Title: Mayor

By [Signature]
Title: County Manager

Municipality: This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

[Signature] 9/2/20

County: This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

[Signature] 8/18/2020





**AN ORDINANCE AMENDING THE TOWN CODE
OF THE TOWN OF MANTEO, NORTH CAROLINA TO ESTABLISH THE
COMMUNITY-POLICE ADVISORY BOARD AND THE SPECIAL EVENTS
COMMITTEE**

Proposed Code of Ordinances Text Amendment 2020-06COD

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-174, the Town of Manteo (the "Town") may enact and amend ordinances which define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances within its jurisdiction. Pursuant to this authority the Town has codified such ordinances within the Town's Code of Ordinances (the "Town Code"); and

WHEREAS, the Town finds that the establishment of a Community-Police Advisory Board and a Special Events Committee will be beneficial to the health, safety, or welfare of its citizens by promoting community engagement; and

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Town Code as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipsis ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Town Code.

NOW, THEREFORE, BE IT ORDAINED by the Town Board of Commissioners of the Town of Manteo, North Carolina, that the Town Code be amended as follows:

1 **PART I.** That the Code of Ordinances, Town of Manteo, North Carolina, is hereby
2 amended by adding a division, to be numbered 6, to Chap. 2, Art. IV which
3 division reads as follows:
4

5 **DIVISION 6. - COMMUNITY-POLICE ADVISORY BOARD**
6

7 **Sec. 2-251. - Purpose.**
8

9 The purpose of the Community-Police Advisory Board is to provide advice,
10 feedback, and suggestions to the Manteo Police Department.
11

12 **Sec. 2-252. - Membership and Terms.**
13

14 The board shall consist of at least three members and not more than seven
15 members appointed by the Town of Manteo Board of Commissioners. Members
16 shall serve terms of two years. Representation of all segments of the community
17 shall be encouraged.
18

19 **Sec. 2-253. - Meetings and Administration.**
20

21 The board shall meet at least quarterly. The town manager shall assign town
22 staff to be present at meetings of the board whose responsibility it shall be to
23 keep official records, prepare minutes of the meetings, and provide notification
24 of the meetings.
25

26 **Secs. 2-254– 2-260. – Reserved.**
27

28 **PART II.** That the Code of Ordinances, Town of Manteo, North Carolina, is hereby
29 amended by adding a division, to be numbered 7, to Chap. 2, Art. IV which
30 division reads as follows:
31

32 **DIVISION 7. – SPECIAL EVENTS COMMITTEE**
33

34 **Sec. 2-261. - Purpose.**
35

36 The purpose of the Special Events Committee is to provide advice, feedback,
37 and suggestions regarding special events to the Town Administration.
38

39 **Sec. 2-262. - Membership and Terms.**
40

41 The committee shall consist of at least three members and not more than seven
42 members appointed by the Town of Manteo Board of Commissioners. Members
43 shall serve terms of two years. Representation of all segments of the community
44 shall be encouraged.
45

46 **Sec. 2-263. - Meetings and Administration.**

The committee shall meet at least quarterly. The town manager shall assign town staff to be present at meetings of the committee whose responsibility it shall be to keep official records, prepare minutes of the meetings, and provide notification of the meetings.

Secs. 2-264- 2-270. - Reserved.

ARTICLE IV. Severability.

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the Town of Manteo, North Carolina which shall remain in full force and effect.

ARTICLE VI. Effective Date.

This ordinance amendment shall be in full force and effect from and after the 2nd day of September, 2020.

Bobby Owens
Bobby Owens, Mayor

ATTEST:

Becky Breihs
Becky Breihs, Town Clerk

Date adopted: 9/2/20

Motion to adopt by Commissioner Selby

Motion seconded by Commissioner Borland

Vote: 6 YES 2 NAYS



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